

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION
CIVIL APPLICATION NO.205 OF 2006
IN
FAMILY COURT APPEAL NO.88 OF 2004

Shri Vilas Rangnath Ghogre .. ***Applicant***

Versus

Sau. Jyoti Vilas Ghogre .. ***Respondent***

Shri S.V. Pitre for the Appellant

Shri Madhav Jamdar for the Respondent

CORAM : S.B. MHASE,
& S.R. SATHE, JJ.
DATED : 27TH SEPTEMBER, 2006

P.C. :-

1. This is an application filed by Appellant-husband for seeking permission under Order-41, Rule-27 of Code of Civil Procedure to read paragraph Nos.5 and 6 of Civil Application as additional evidence.

Paragraph No.5 and 6 are as under :-

(5) The applicant states that the Impugned Judgement and Order dismissing the Marriage Petition was passed on 26.05.2004 and on 27.05.2004, the father of the Applicant

committed suicide at the residence by hanging himself to the ceiling fan. This fact has already been stated in the Appeal Memo as ground (g). Hereto annexed and marked Exh-I is the copy of the Death Certificate of Applicant's father issued by Pune Municipal Corporation.

(6) The Applicant states that this fact of committing suicide by the Applicant's father was directly related to the dismissal of the Marriage Petition and therefore, this fact is required to be brought on record as additional evidence as contemplated under Order-41, Rule-27 of Civil Procedure Code, 1908.

2. In fact, the death of the Appellant-husband's father on 27.05.2004 has nothing to do with the dismissal of the Marriage Petition. It is only a coincidence. Apart from that result of marriage petition was against the husband and not as against the father and therefore, we do not find any just cause for

allowing any such material to be produced as an evidence. Apart from that paragraph Nos.5 and 6 can not be said to be an additional evidence since it is not evidence.

3. The reasons for committing suicide may be several and therefore it can not be said that only because of dismissal of the Marriage Petition, father of the Appellant committed suicide. This subsequent event has no relevance so far as the Marriage Petition is concerned.

4. Under these circumstances, we find that this application under Order-41, Rule-27 is not tenable and therefore hereby rejected.

(S.R. SATHE, J.)

(S.B. MHASE, J.)